

Amendments allow mandatory  
inspection of vessels' interior,

does not include impoundment language

Language from  
SB 343

Amendments to House Bill No. 621  
Reference Copy

For the House Free Conference Committee

SENATE EXPLANATION  
EXHIBIT NO. Hope 9  
DATE 4-19-11  
BILL NO. HB 621

Prepared by Hope Stockwell  
April 19, 2011 (12:55pm)

1. Title, page 1, line 10.

**Following:** "CONSERVATION;"

**Insert:** "AUTHORIZING THE USE OF QUARANTINE MEASURES IN AN  
INVASIVE SPECIES MANAGEMENT AREA;"

2. Title, page 1, line 11.

**Following:** "80-7-814,"

**Insert:** "80-7-1002,"

3. Title, page 1, line 12.

**Strike:** the first "AND"

**Following:** "80-7-1007,"

**Insert:** "80-7-1008, AND 80-7-1011"

4. Page 3.

**Following:** line 3

**Insert:** "Section 1. Section 80-7-1002, MCA, is amended to read:

"80-7-1002. **Legislative findings and purpose.** (1) The  
legislature finds that:

(a) invasive species can wreak damage on the economy,  
environment, recreational opportunities, and human health in  
Montana;

(b) there is reason to be concerned about the further  
introduction, importation, and infestation of Eurasian  
watermilfoil (*Myriophyllum spicatum*) and the introduction,  
importation, and infestation of additional invasive species not  
yet present in Montana, such as the zebra mussel (*Dreissena*  
*polymorpha*) and the quagga mussel (*Dreissena bugensis*), that  
could cause catastrophic damage to not only our waterways,  
rivers, and lakes, our water storage, delivery, and irrigation  
systems, our hydroelectric power structures and systems, and our  
aquatic ecosystems, but also to the entire state economy;

(c) as infestations of threatening invasive species move  
ever closer to Montana's borders, protecting Montana against  
these species is of utmost importance to the state economy,  
environment, recreational opportunities, and human health for the  
benefit of all Montanans;

(d) preventing the introduction, importation, and  
infestation of invasive species is the most effective and least  
costly strategy for combating invasive species that, once  
established, are often difficult to control or eradicate;

(e) the use of check stations, at which ~~the exterior of~~

vessels may be inspected for the presence of invasive species and cleaned if an invasive species is detected, is an effective way to prevent the introduction, importation, and infestation of invasive species that are easily transferred from infested areas to uninfested areas when proper precautions are not taken; and

(f) preventing the introduction, importation, and infestation of invasive species is best accomplished through coordinated educational and management activities.

(2) The purpose of this part is to establish a mechanism for Montana to take concerted action to detect, control, and manage invasive species, including preventing further introduction, importation, and infestation, by educating the public about the threat of these species, coordinating public and private efforts and expertise to combat these species, and authorizing the use of check stations to prevent the intrastate movement of invasive species from infested areas to uninfested areas to protect the state's economy, environment, recreational opportunities, and human health for the benefit of all Montanans."

{ Internal References to 80-7-1002: None. }

**Renumber:** subsequent sections

5. Page 4, line 1 through line 22.

**Strike:** section 2 in its entirety

**Insert:** "Section 3. Section 80-7-1006, MCA, is amended to read:

**"80-7-1006. Departmental responsibilities.** (1) The departments shall prepare a list of invasive species and identify those departments and other public agencies with jurisdiction over each species on the list. The jurisdiction of each department for the prevention and control of invasive species is according to the department's powers and duties as established by law.

(2) For those invasive species under the jurisdiction of more than one department, the departments with jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.

(3) Working in collaboration with each other, the departments, individually or collectively, shall develop and adopt an invasive species strategic plan or plans to accomplish the purposes of this part. The plan or plans shall identify and prioritize threats and determine appropriate actions, in the following order of priority, related to:

(a) public awareness and education;  
(b) prevention and detection of invasive species, including the use of invasive species management areas authorized under 80-7-1008;

(c) management, control, and restoration of infested areas; and

(d) emergency response.

(4) The departments may enforce quarantine regulations and

measures imposed by law or rule in an invasive species management area, including the mandatory inspection of any interior portion of a vessel that may contain water for the presence of an invasive species.

~~(4)~~(5) The departments shall implement education and outreach programs that increase public knowledge and understanding of prevention, early detection, and control of invasive species."

{Internal References to 80-7-1006: None.}"

**Renumber:** subsequent sections

6. Page 5, line 1.

**Following:** "pertaining to"

**Insert:** ":

(a) the use of quarantine regulations and measures;

(b) "

**Following:** "area"

**Insert:** ";

**Following:** the first "and"

**Insert:** "(c) "

7. Page 5, line 1 through line 2.

**Strike:** "the exterior" on line 1 through "of" on line 2

8. Page 5.

**Following:** line 5

**Insert:** "Section 5. Section 80-7-1008, MCA, is amended to read:

"80-7-1008. **Invasive species management area -- authorization.** (1) When an invasive species is identified as infesting or threatening an area, the department with jurisdiction over that invasive species may designate and administer an invasive species management area for a specific area of land, for a body or bodies of water, ~~or for the entire state~~ for a specific or indeterminate amount of time to prevent and control the infestation or spread of that invasive species.

(2) To the extent practicable, prior to the designation of an invasive species management area, the department making the designation shall coordinate with all of the departments in order to further the purposes of this part.

(3) The designation of an invasive species management area must specify:

(a) the invasive species present or considered threatening; and

(b) ~~(i)~~ subject to subsection ~~(3)(b)(ii)~~ (4), the method or methods for preventing the introduction of the species or controlling or eradicating the species, including regulations pertaining to:

(i) the use of quarantine measures;

(ii) the movement of vessels within, to, and from the area;  
and

(iii) whether check stations will be used to inspect and clean ~~the exterior of~~ vessels moving within, to, or from the area. A department may conduct mandatory inspections of any interior portion of a vessel that may contain water only if the department has included the use of mandatory inspections as part of quarantine measures established pursuant to subsection (3)(b)(i).

(ii)(4) If the invasive species management area encompasses the entire state, departmental authority to prescribe requirements for cleaning and inspecting ~~the exterior of~~ vessels traveling within the state is limited to those vessels required to stop at a check station pursuant to 80-7-1011(3)(b).

(4)(5) As far as practical, signs indicating that an invasive species management area is in place must be posted in an effective manner at access points to the designated area and along the boundaries and within the area. The signs must include information about the specific regulations that apply to the area. The signs must be paid for with funds from the invasive species account established in 80-7-1004. The departments may coordinate with any other governmental entity for the posting of signs."

{ Internal References to 80-7-1008:

80-7-1006      80-7-1009      80-7-1010      80-7-1011  
80-7-1011 }"

**Insert: "Section 6.** Section 80-7-1011, MCA, is amended to read:

**"80-7-1011. Check stations.** (1) The departments shall establish a check station within or adjacent to an invasive species management area to prevent the introduction, importation, infestation, and spread of the invasive species for which the designation was issued.

(2) At a check station, the departments may examine ~~the exterior of~~ vessels for the presence of an invasive species and compliance with regulations imposed under 80-7-1008(3)(b) and with this section. A department may examine any interior portion of a vessel that may contain water, including bilges, livewells, and bait containers, and other boating-related equipment, for compliance only if inspection of interior portions is included as part of quarantine measures established pursuant to 80-7-1008(3)(b)(i).

(3) (a) Except as provided in subsection (3)(b), the owner, operator, or person in possession of a vessel shall stop at any check station unless a medical emergency makes stopping likely to result in death or serious bodily injury.

(b) If a check station is established under regulations pertaining to a statewide invasive species management area, a stop at that check station is required only for a vehicle transporting a vessel, excluding vessels that have never been used.

(4) If during an inspection of the exterior of a vessel the presence of an invasive species is detected upon the exterior of the vessel, that vessel may not leave the check station until it

is cleaned and decontaminated in a manner established in accordance with 80-7-1008(3)(b)."

{ Internal References to 80-7-1011:

80-7-1008      80-7-1014 \*      80-7-1014 \*      80-7-1014 \*

80-7-1014 \*      80-7-1014 \*      80-7-1014 \*      80-7-1014 \*

80-7-1014 \* }"

**Renumber:** subsequent sections

- END -